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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th April, 2000—

I

BILL No. XVIII OF 1999

A Bill to provide for the reservation of posts in the services of the Union Government and Public Undertakings and seats in all classes of educational institutions for the people belonging to economically backward areas in the country with a view to improving their living standard and extending them the benefits of progress made by the country after independence and for matters connected therewith.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This act may be called the Reservation of Posts in Services and seats in Educational Institutions For People Belonging to Economically Backward Areas Act, 1999.

Short title and
commencement.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “economically backward area” means such area which has been declared backward by the Planning Commission of the Union Government;

(b) “family” includes husband, wife, their dependent children and parents.

(c) “people” means all inhabitants of an economically backward area.

Reservation of posts in Government services

3. The Central Government shall reserve thirty percent of posts in Central Government services and public undertakings for the candidates belonging to economically backward areas.

Reservation of seats in educational and training institutions.

4. Thirty percent of seats shall be reserved in all classes of educational and training institutions for the candidates belonging to economically backward areas and the entire expenditure on the education and training of such people shall be borne by the Central Government after due appropriation made by Parliament in this behalf from time to time.

Benefits under the Act to be given only once.

5. The benefits specified under this Act shall be provided only once to a family belonging to such backward area.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

After Independence, though there has been a lot of industrial, economic and educational development in the country, some areas like the tribal areas of Madhya Pradesh and drought prone Chattisgarh region in the State, Kalahandi in Orissa, deserts of Rajasthan and Gujarat, the tribal belt of Bihar and hilly regions of Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir remain deprived of the benefits of this development. People living in such economically backward areas of the country continue to suffer from abject poverty. Some of these areas have already been declared as backward areas by the Planning Commission and by some State Governments as well.

In such areas there are very few industries and little economic activity. As a result people of these areas find it very difficult to earn their livelihood. Due to their abject poverty they do not get even two meals a day, leave alone education and other needs of life. As such they remain illiterate and are greatly exploited throughout their lives. To improve their lot it is necessary that posts are reserved in the services of the Central Government and public undertakings and in all types of educational institutions for the people belonging to economically backward areas of the country. It will not only improve the economic conditions of such backward areas but will also help in their educational advancement. It will be a good beginning for the welfare of economically backward areas in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall bear the entire expenditure on the education and training of people belonging to the economically backward areas of the country. The Bill, if enacted and brought into operation, will involve a recurring expenditure of about rupees eighty crores per annum from the Consolidated Fund of India.

A non recurring expenditure of about rupee fifty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

II

BILL NO. XIX OF 1999

A Bill to provide for the free medical and engineering education to deserving students who cannot afford the expensive medical and engineering education, despite being talented, due to their poor economic conditions and for matters connected therewith.

BE it enacted by Parliament in the Fiftieth year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Free Medical and Engineering Education to Deserving Poor Students Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "poor student" means any student whose family income, from all sources, does not exceed two thousand rupees per month;

(c) "prescribed" means prescribed by rules made under this Act,

3. (1) The appropriate Government shall provide free medical and engineering education to every deserving poor student who has obtained such marks or passed such examination with such distinction as may be prescribed from time to time.

Appropriate Government to provide free medical and engineering education to every deserving poor student.

(2) The appropriate Government shall provide to every poor student admitted to any medical or engineering college including private medical or engineering college or Institute under this Act—

(a) the entire cost of admission and tuition fee;

(b) materials like books, note-books, stationery etc. free of cost;

(c) free hostel facilities wherever necessary;

(d) scholarships in such cases as may be prescribed.

4. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Supplementing other laws.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules

STATEMENT OF OBJECTS AND REASONS

Most of the parents have a dream to make their sons or daughters either doctors or engineers and so is the desire of the majority of the youth pursuing their studies in schools. However due to a very tough competition this dream remains a dream for ever for the majority as they are not selected for the admission to these prestigious courses. However, there are students who are extraordinary brilliant but their dreams are not fulfilled despite their ability to cross all the hurdles because of the poverty. The medical and engineering education is so costly that even middle class families cannot afford to send their wards, what to talk of the poor and the people living below the poverty line. Thus a large chunk of deserving students cannot have the benefit of medical and engineering education.

Since ours is a welfare State, it is our duty to give chance to such poor but deserving students to pursue the studies of their choice and fulfil their ambitions of life. In such cases the appropriate Government should bear all the expenses of students towards their studies in engineering or medical colleges.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical and engineering education by the appropriate Government to a deserving poor student enrolled even in a privately owned medical or engineering college. This Clause also provides for certain other facilities including scholarships to poor students. At this juncture it is not practicable to calculate the exact amount that will be spent for the purpose but an estimated recurring expenditure of fifty crores of rupees per annum is likely to be involved from the Consolidated Fund of India if the Bill is enacted and brought into operation.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matter will relate to procedure and administrative details only.

The delegation of legislative power is, therefore, of normal character.

III

BILL No. XVI OF 2000

A Bill to prohibit the Government from Communalising and Saffronising of its bureaucracy and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Communalisation and Saffronisation of Bureaucracy Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

Definitions.

(b) "Organisation" means any organisation or outfit established to promote religious fundamentalism in any manner and by whatever suffixes such as Volunteers, Sangh, Parishad, Dal etc., including political outfits.

Appropriate Government not to allow its employees to join any organisation.

3. (1) Notwithstanding anything contained in any other law for the time being in force the appropriate Government shall not allow its employees to join any organisation.

(2) Any order or notification issued before or after the commencement of this Act in contravention of sub-section (1) shall be void ab-initio.

(3) Any Government servant who has joined any organisation on the basis of earlier order of the appropriate Government shall renounce his membership of such organisation forthwith failing which he shall stand dismissed from the service since the day of his joining the organisation and shall forfeit all his service benefits.

STATEMENT OF OBJECTS AND REASONS

Gujarat Government's decision to allow its employees to join R.S.S. has created unprecedented controversy throughout the country and the issue is being hotly debated. The controversy has further been deepened with the open support of Prime Minister and his Ministerial colleagues to the Gujarat Government's decision. On the basis of this and following the principle of equality the Central Government employees and other State Governments employees will also be permitted to join R.S.S. and such other fundamentalist organisations which ultimately will communalise and saffronise the entire bureaucracy in the country which will harm the secular credentials of our country and it will be a beginning to convert the country into a theocratic State.

Hence a law is necessary to prevent the Central and State Governments from permitting its employees to join fundamentalist and fascist organisations to protect the secular character of our polity.

Hence this Bill.

SURESH PACHOURI

IV

BILL NO. XXIII OF 1999

A Bill to provide for the prohibition of production, distribution and sale of dangerous synthetic milk made of detergents, urea and other chemicals, edible oils and fats and passed on to unsuspecting consumers as natural milk and for deterrent punishment including capital punishment for the offenders and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (i) This Act may be called the Prevention of Production, Distribution and Sale of Synthetic Milk Act, 1999.

(ii) It extends to the whole of India.

Short title
extent and
commence-
ment.
"

(iii) It shall come into force with immediate effect.

Definition's.

2. In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Synthetic milk" includes milk made of detergent powder, urea, edible oils, fats etc. or any whitener or milk other than the natural milk in form of powder or liquid, as the case may be.

Prohibition of
production,
distribution
and sale of
synthetic milk.

3. Notwithstanding anything contained in the Prevention of Food Adulteration Act, 1954 (37 of 1954) or any other law for the time being in force, the production, distribution and sale of synthetic milk, whether in form of powder or liquid, is hereby prohibited.

Penalty.

4. (1) Whoever contravenes the provisions of section 3 of the first time, shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years and also with fine which shall not be less than two lakh rupees but may extend to five lakh rupees and for the subsequent offence shall be punished with death.

(2) Where an offence is committed against this Act by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the Act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

(3) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any Director, Manager, Secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Special Task
Force.

5. (1) The appropriate Government shall constitute a Special Task Force for carrying out the purposes of this Act in such manner as may be prescribed.

(2) The functions, conditions of service and jurisdiction of the Special Task Force shall be such, as may be prescribed.

Offence to be
cognizable and
non-bailable.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence committed under this Act shall be cognizable and non-bailable.

Power to make
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

These days print media is full of reports about the large scale sale of synthetic milk in various parts of the country particularly in U.P., Rajasthan, Haryana, Gujarat and even in the National Capital Territory of Delhi and in other parts of the country as well. The synthetic milk is generally produced from detergents, edible oils, fats, urea etc. and mixed with small quantity of natural milk and then passed on to the unsuspecting consumers as natural milk. This has endangered the health particularly those of the children because consumption of synthetic milk can lead to various dreaded diseases including cancer, kidney and lung failure. This business has become so lucrative that people have started producing it on a very large scale. Even some reputed milk companies are involved in this for making quick money. Both State Governments and Central government are unable to cope with this menace in the absence of any stringent law to check it. It is felt that deterrent punishment has to be provided for those who are passing on poison to unsuspecting consumers.

Hence, this Bill.

S. RAMACHANDRA REDDY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the Constitution of a special Task Force for the implementation of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India to the tune of Twenty Five Crore rupees per annum as recurring expenditure.

A sum of Ten Crore rupees may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is therefore, of a normal character.

V

BILL No. XXIII OF 2000

A Bill to provide for the welfare measures to be initiated by the Central and State Governments for the rehabilitation of neglected, abandoned, infirm, old, sick or handicapped widows residing either with their relatives or languishing in the ashrams of Vrindavan, Mathura, Varanasi or such other places of the country by establishing an Authority at the Central and State levels for the purpose and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. (1) This Act may be called the Neglected, Abandoned and Indigent Widows (Welfare) Act, 2000.

(2) It extends to the whole of India.

Short title,
extent and
commence-
ment.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "abandoned widow" means a widow who has been deserted or left by her relatives to fend for herself or at the mercy of her own or the God;

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(c) "authority" means Central Widows Welfare Authority established under section 3 of this Act;

(d) "indigent widow" means a poor widow having no source of income with or without dependent minor children and having no adult earning kin to look after her and her children;

(e) "infirm widow" means a widow stricken with infirmity due to old age, physical deformity, sickness or disease, mental imbalance and who lives uncared for;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "widow" means a women whose husband has died after her marriage.

3. (1) **The Central Government shall as soon as may be, after the commencement of this Act, by notification in the Official Gazette, establish a Central Widows Welfare Authority with its headquarter at Hyderabad in the State of Andhra Pradesh.**

Establishment
of Central
Widows
Welfare
Authority.

(2) **The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.**

(3) **The Authority shall establish its branch in every State and Union Territory in such manner, as may be prescribed.**

4. The Authority shall consist of,—

Composition of
the Authority.

(a) a Chairperson, who shall be the Minister incharge of the Union Ministry of Social Justice and Empowerment;

(b) a Vice-Chairperson preferably a widow to be appointed by the Central Government;

(c) three Members of Parliament of who two shall be from Lok Sabha and one from the Rajya Sabha to be nominated by the respective presiding officers of each House;

(d) two members representing the Department of Women and Child Development to be appointed by the Central Government;

(e) not more than three members to be appointed by the Central Government in consultation with the Government of States, by rotation in alphabetical order, to represent the governments of the States;

(f) three members to be appointed by the Central Government from amongst the Non-Governmental Organisation working for the welfare of widows.

5. **The Authority may appoint such number of officers and employees as may be necessary for the efficient functioning of the Authority and carrying out the purposes of this Act in such a manner as may be prescribed.**

Officers and em-
ployees of the
Authority.

6. **The Central Government shall from time to time, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority for carrying out the purposes of this Act.**

Funds to be pro-
vided by Central
Government.

Welfare Fund.

7. The Authority shall have a Welfare Fund for the widows known as Widows Welfare Fund to which shall be credited all receipts from the Central Government, State Governments, other institutions, organisations, body corporates both public and private and the individuals for the welfare and rehabilitation of neglected, abandoned, infirm, old, sick or handicapped widows.

Functions of the Authority.

8. (1) Notwithstanding anything contained in any other law for the time being in force, the Authority shall promote and provide, by such measures, as it thinks fit, rehabilitation and welfare of neglected, abandoned, infirm, old sick or handicapped widows residing either with their relatives or languishing in the *ashrams of Vrindavan, Mathura, Varanasi* or such other places of the country chanting bhajans for their survival or homeless widows with or without children.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall,—

(a) maintain district, block and villagewise register of widows in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow in order to assess her need for assistance in such manner as may be prescribed;

(c) give wide publicity through the electronic and print media about the rehabilitation and welfare schemes framed by the Authority.

Subsistence allowance and other facilities.

9. The Authority shall provide the needy widows registered under this Act and on application prescribed for the purpose,—

(a) an amount not exceeding rupee one thousand five hundred per month in case the widow is infirm or is having one or more dependent children or rupee one thousand per month, in case she has no dependent child; as subsistence allowance;

(b) residential or hostel accommodation free of cost to every widow having no such accommodation;

(c) free education including technical education to dependent children of such widows;

(d) such other financial assistance as may be prescribed, if the widow is indigent, abandoned and neglected by her near and dear ones;

(e) gainful employment as per her calibre qualifications and abilities;

(f) free vocational education and training wherever necessary;

(g) such other facilities as may be necessary for the rehabilitation, welfare, proper development and maintenance of a respected life in society;

Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall be withdrawn from the date she gets employment or remarries, as the case may be.

Appropriate Government to co-ordinate with the Authority.
Census of abandoned widows

10. This appropriate Government shall co-ordinate with the Authority in carrying out the purposes of this Act.

11. The appropriate Government in co-ordination with the Authority shall undertake a census of the abandoned *bhajan* chanting widows residing within its territorial jurisdiction and formulate a policy for them.

Appropriate Government to claim maintenance from heir of the widow.

12. The appropriate Government shall trace the heir of the widow who has abandoned or forced such widow to leave the household and claim maintenance under the law for the time being in force on behalf of such widow, with or without her consent.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being application to the widows.

Over-riding effect of the Act.

14. The Central Government may by notification in the Official gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are more than three crore widows in our country which is nearly three percent of our population. More than fifty percent of these widows are in the age group of 60 years and above. Quite a good number of these widows are abandoned and they are languishing in the *bhajan ashrams* of various parts of the country particularly in Mathura, Vrindavan, Varanasi etc. and leading a miserable life. Most of the widows do not have means to support themselves and their dependent children and they are an exploited lot. To survive they work as housemaids and do all sorts of works but many of them are unable to work as such as they are stricken with infirmity due to old age or physical deformity or serious and prolonged ailment and in many cases they are mentally deranged. Such hapless widows can be seen begging in the streets. Many young widows are forced into prostitution. Many widows are disowned by their in-laws and parents and are left to fend for themselves. Their position becomes more vulnerable if they have dependent children to support and who are also driven out of the homes with the widows. The position of widows is more serious in semi urban and rural areas where they are treated as bad omen and are not allowed to participate in any auspicious function in the household. Since majority of them are illiterate they remain the worst exploited lot physically, mentally and socially. Our democracy is wedded to the ideals of a welfare State so it is the duty of the State to rehabilitate the needy and hapless widows and prepare and implement welfare measures for them.

It is, therefore proposed that an independent Authority be created to exclusively look after the welfare of hapless and needy widows so that they are not forced into begging or prostitution and they lead respectable life in the society.

Hence this Bill.

SOLIPETA RAMACHANDRA REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central Widows Welfare Authority. Clause 5 provides for the officers and employees of the Authority. Clause 6 provides for the funds to be provided by Central Government Clause 9 provides for the subsistence allowance and other facilities. The Bill if enacted and brought into force will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred fifty crores may be involved as recurring expenditure per annum.

A sum of Rupee One Hundred Crores may also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. XVII OF 2000

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force with immediate effect.

2. In the Tenth Schedule to the Constitution,—

(a) for sub-paragraph (b) of paragraph 1 the following sub-paragraph shall be substituted, namely:—

(b) “legislature party” in relation to a member of a House belonging to any political party means the group consisting of all the members of that House for the time being belonging to that political party.

Short title and
commence-
ment.

Amendment of
Tenth Sched-
ule.

(b) (i) In sub-paragraph (1) of paragraph 2, the words and figures "paragraphs 3, 4, and" shall be omitted.

(ii) sub-paragraph (4) of paragraph 2 shall be omitted.

(c) paragraph 3 and 4 shall be omitted.

(d) to sub-paragraph (1) of paragraph 6, the following second proviso shall be added at the end, namely:—

"Provided further that the Chairman or the Speaker of such House, as the case may be, shall decide the question within thirty days of the reference of the question to him."

(e) paragraph 7 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Defections in Parliament and State Legislatures are a blot on our polity and a root cause of corruption. Decline in moral values, thirst for power, blackmail, and all sorts of pressures and pulls and horse trading in polity have posed serious threat to the political institution of the country. It is also an irony that if a single member defects from his party he is disqualified but if a group consisting of one third or more of a party defect they are not disqualified. In other words, if an individual commits some crime, he will be punished but if the same crime is committed by a group, it is not punishable. Defection should be treated as defection whether by one, two or many and whoever defects from the party on whose symbol he was elected should be disqualified. It has, therefore, become necessary to amend the Constitution and its Tenth Schedule.

Hence this Bill.

SOLIPETA RAMACHANDRA REDDY

VII

BILL NO. XXXII OF 1999

A Bill further to amend the Representation of the People Act, 1951

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1999. Short title.

43 of 1951 2. In section 29A of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act),— Amendment of section 29A.

(i) in sub-section (7), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that no association or body shall be registered as a political party under this sub-section, if—

(a) the association or body bears a religious name; or

(b) the memorandum or rules and regulations of such association or body do not conform to the provisions of sub-section (5);”;

(ii) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, an appeal shall lie to the Supreme Court from any decision of the Commission under this section:

Provided that every appeal under this section shall be preferred within a period of thirty days from the date of the decision of the Commission:

Provided further that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the association or body had sufficient cause for not preferring the appeal within such period.”.

Insertion of
new Section
29B.
De-registration
of political par-
ties.

3. In Part IVA of the principal Act, after section 29A, the following section shall be inserted, namely:—

“29B. (1) Where,—

(a) any political party bears a religious name; or

(b) the memorandum or rules and regulations of the political party no longer conform to the provisions of sub-section (5) of section 29A; or

(c) the activities of the political party are not in accordance with its memorandum or rules and regulations referred to in sub-section (5) of section 29A,

its registration as a political party under section 29A shall be liable to be cancelled by an order of the High Court within whose jurisdiction the main office of that political party is situate:

(2) On receipt of a complaint that there is sufficient cause for cancelling the registration of a political party under sub-section (1), the High Court may call upon the political party affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the registration of the political party should not be cancelled:

Provided that where the High Court is not satisfied that there is sufficient cause for cancelling the registration of the political party, it may summarily reject the complaint.

(3) After considering the cause, if any, shown by the political party or office-bearers or members thereof, the High Court may, after holding such inquiry as it may deem fit and after calling for such information as it may consider necessary from the political party or from any office-bearer or member thereof, decide whether or not there is sufficient cause for cancelling the registration and make such order as it may deem fit either dismissing the complaint or cancelling the registration of the political party.

(4) No complaint under sub-section (2) shall lie to the High Court within a period of ninety days from the commencement of the Representation of the People (Amendment) Act, 1993 on the ground specified in clause (a) of sub-section (1), if the political party changes its religious name within the said period.”.

STATEMENT OF OBJECTS AND REASONS

Democracy and secularism are the two pillars of our State. They represent the basic features of the Indian constitutional policy. The principle of equality is the very foundation of both democracy and secularism. Under the Constitution, all the citizens of India enjoy equal rights and privileges without any discrimination and no section of the people is competent to usurp the rights of another section. One of the menaces which our country faces today is that of communalism. It fragments the society and holds a threat to the unity and the integrity of India.

2. In view of above, it has become necessary to strengthen the provisions of section 29A of the Representation of the People Act, 1951 relating to registration of political parties. It is proposed to further amend that section so as to provide that no association or body shall be registered by the Election Commission as a political party under that section if the association or body bears a religious name, since such a religious name could be said to contain an appeal to vote for the political party on the ground of religion which would be detrimental to the cause of secular democracy. An appeal is proposed to be provided against the decision of the Election Commission to the Supreme Court. Further, a new section 29B is proposed to be inserted in the said Act, whereunder a complaint can be made to the High Court within whose jurisdiction the main office of a political party is situate, for cancelling the registration of a political party where such political party bears a religious name or the memorandum or rules and regulations of the political party no longer conform to the provisions of sub-section (5) of section 29A or the activities of the political party are not in accordance with the said memorandum or rules and regulations. It is also proposed to lay down a time limit of ninety days within which political parties with religious name would be required to change such names and conform to the new law.

3. The Bill seeks to achieve the above objects.

EDUARDO FALERIO

VIII

BILL NO. XXXIV OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1999.

Short title and
commence-
ment

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In Part III of the Constitution, after article 28 and before the heading "*Cultural and Educational Rights*", the following article shall be inserted, namely:—

Insertion of new
article 28A

"28A. The State shall have equal respect for all religions."

State to have
equal respect
for all religions.
Insertion of new
article 35A.

3. In Part III of the Constitution, after article 35, the following article shall be inserted, namely:—

Legislation to declare certain associations as banned on certain grounds.

35A. Notwithstanding anything in this Constitution,—

(a) Parliament may, by law, Provide that any association or body of individuals be banned, if it, by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different classes of citizens of India—

(i) on ground of religion; or

(ii) on grounds of race, place of birth, residence, language, caste or community;

(b) the law referred to in clause (a) may make provisions for the forfeiture of property, movable or immovable, of the banned association or union and such other incidental or consequential provisions as Parliament may think fit;

(c) the Supreme Court shall, to the exclusion of any other court, have jurisdiction in respect of any matter arising under the law referred to in clause (a)."

Amendment of article 102.

4. In article 102 of the Constitution, in clause (1), after sub-clause (d), the following sub-clauses shall be inserted, namely:—

"(da) if he, after making and subscribing the oath or affirmation in accordance with the form set out for the purpose in the Third Schedule for election to Parliament, makes use of religion, including religious symbols, for the purposes of the said election;

(db) if he promotes or attempts to promote feelings of enmity or hatred or ill-will between different classes of citizens of India on grounds of religion, race, caste community or language;"

Amendment of article 191.

5. In article 191 of the Constitution, in clause (1), after sub-clause (d), the following sub-clauses shall be inserted, namely:—

"(da) if he, after making and subscribing the oath or affirmation in accordance with the form set out for the purpose in the Third Schedule for election to the Legislature of a State, makes use of religion, including religious symbols, for the purposes of the said election;

(db) if he promotes or attempts to promote feelings of enmity or hatred or ill-will between different classes of citizens of India on grounds of religion, race, caste, community or language;"

Amendment of article 226.

6. In article 226 of the Constitution, in clause (1), after the word and figures "article 32," the words, brackets, letter and figures but subject to the provisions of clause (c) of "article 35A," shall be inserted.

Amendment of Ninth Schedule.

7. In the Ninth Schedule to the Constitutions, after any entry 257 and before the Explanation, the following entry shall be inserted, namely:—

"258. The Religious Institutions (Prevention of Misuse) Act, 1988 (Central Act 41 of 1988)."

STATEMENT OF OBJECTS AND REASONS

The Constitution provided for the establishment of a secular State for the governance of the country. This principle was reaffirmed by the Constitution (Forty-second Amendment) Act, 1976, by which the word secular was incorporated in the Preamble to the Constitution.

2. Despite the safeguards provided in the Constitution, communalism is taking roots and unless effective measures are urgently taken to curb it, it may become a threat to the secular and democratic ideals on which our society is based.

3. It has, therefore become necessary to further amend the Constitution—

(a) to provide that the State shall have respect for all religions;

(b) to confer power on Parliament to ban any association or body of individuals if it promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different classes of citizens of India on grounds of religion, race, place of birth, residence, language, caste or community;

(c) to provide in articles 102 and 191 that making use of religion, including religious symbols, for the purpose of getting elected to Parliament or to State Legislature or promoting or attempting to promote feelings of enmity, hatred or ill-will between different classes of citizens of India on grounds of religion, race, caste, community or language would be a ground for disqualification;

(d) to amend the Ninth Schedule to include therein the Religious Institutions (Prevention of Misuse) Act, 1988;

(e) to make certain consequential amendments in article 226.

4. The Bill seeks to achieve the above objects.

EDUARDO FALERIO

IX

BILL NO. III OF 2000

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty First Year of Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In the Constitution (Scheduled Castes) Order, 1950 in paragraph 3, the following proviso shall be added at the end, namely:—

Amendment of
Paragraph 3.

“Provided that a member of the Scheduled Caste belonging to any religion, on conversion to any other religion including Christianity shall continue to receive all the benefits which they were entitled to as members of the Scheduled Caste before such conversion.”.

STATEMENT OF OBJECTS AND REASONS

The Scheduled Castes and converted Christians from Scheduled Castes are living in the same village or town under similar social set up. There is no reason to deny them the rights on the ground of conversion. Several organisations have demanded the inclusion of converted christians in the Scheduled Caste category so that they continue to get the benefits available to Scheduled Caste. Their inclusion in the list of Scheduled Caste will be a major step in ameliorating their social and economic conditions.

Hence this Bill.

EDUARDO FALEIRO

X

BILL NO. II OF 2000

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament on the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2000.

Short title.

2. In para (d) of sub-section (1) of section 125 of the Code of Criminal Procedure, for the words “five hundred rupees” the words “one thousand rupees” shall be substituted.

Amendment of
Section 125.

STATEMENT OF OBJECTS AND REASONS

Section 125 of the Code of Criminal Procedure deals with granting of maintenance by Criminal Courts to wives, children and parents. The amount of maintenance was fixed in the year 1973 as five hundred rupees. On account of decrease in money value and also due to escalation in day to day needs, it is proposed to raise the maintenance to rupees one thousand from the existing limit.

This Bill seeks to achieve the above object.

SHRI C.P. THIRUNAVUKKARASU.

XI

BILL NO. IV OF 2000

A Bill to provide for the prohibition of smoking of tobacco in any form in places of public work or use and in public service vehicles since smoking has been found injurious not only to the smokers but even more to the non-smokers and to make provision therefore and for other matters connected therewith.

BE it enacted by Parliament in the Fifty First Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Smoking Act, 2000
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "advertisement" means and includes any notice, circular, wall paper, pamphlets,, display on hoarding or any visible representation made by any means of

light, sound, smoke, gas, writing instruments, stickers, symbols, colours logo, trade mark, display on articles like T-shirts, shoes, sportswear, sports gears, caps, carrybags, telephone booths, etc. or any other means which has direct effect of promoting smoking and the expression 'advertise' shall be construed accordingly.

(b) "authorised officer" means a person authorised under section 4 of this Act.

(c) "government" means in the case of a State, the Government of that State and in all other cases, the Central Government.

(d) "place of public work or use" means a place declared as such under section 3 of this Act, and includes auditorium, cinema/conference/seminar halls, hospital buildings, health institutions, amusement centres, restaurants, eating houses, hotel launges, other waiting launges, public offices, court buildings, educational institutions, libraries, bus stations/stands, ferry boats, places of worship, beaches sports stadium and the like which are visited by the general public but does not include other open places;

(e) "public service vehicle" means a vehicle as defined under clause (35) of section 2 of the Motor Vehicles Act, 1988;

59 of 1988.

(f) "smoking" means smoking of tobacco in any form, whether in the form of cigarette, cigar, beedies or otherwise with the aid of pipe, wrapper, or any other instruments.

Declaration of places of Public work of use.

3. As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification in the Official Gazette, declare any place to be a place of public work or use in India for the purposes of this Act.

Power of Government to authorise officers to act under this Act.

4. (1) The Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this act.

(2) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860.

45 of 1860.

Prohibition of smoking in places of public work or use.

5. No person shall smoke in any place of public work or use.

Prohibition of smoking in public service vehicles.

6. Without prejudice to the provisions of the Motor Vehicles Act, 1988 no person shall smoke while travelling in or using a public service vehicle.

59 of 1988.

Prohibition of advertisement of smoking.

7. Notwithstanding anything contained in any other law for the time being in force, no person shall advertise or cause to advertise in any place and/or on any public service vehicle any material which may directly or indirectly promote smoking.

Prohibition of sale of cigarettes, etc. to minors.

8. No person shall sell cigarettes, beedies or any other such smoking substance that contains nicotine or tobacco to any person who is below the age of twenty one years.

Prohibition of storage, sale and distribution of cigarettes etc.

9. No person shall himself or by any person on his behalf, store, sell or distribute cigarettes, beedies or any other such smoking substance or substances that contains tobacco, within an area of 100 meters around place of worship or any college, school or other educational institutions.

Display and exhibition of board.

10. The owner, manager or in-charge of affairs of every place of public work or use shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by the general public prominently stating that place is a 'No Smoking Zone' and that "Smoking is an Offence over here".

Penalty for contravention of the provisions of.

11. Any person who contravenes the provisions of:—

(1) section 5, 6, 9, or 10 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable

with a minimum fine of two thousand rupees, but which may extend to five thousand rupees.

(2) Sections 7 and 8 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five thousand rupees which may extend to ten thousand rupees, or with both.

12. Any authorised officer or any police officer, not below the rank of a sub-inspector, may eject any person who contravenes with any provisions of this Act, from the place of public work or use, and any driver/conductor of a public service vehicle may eject any person who contravenes any provisions of this Act while using the public service vehicles.

Power to eject violators.

13. (1) No court other than the court of a First Class Judicial Magistrate shall take cognizance of and try an offence under this Act.

Court competent to take cognizance and try offences

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing from an authorised officer or an authorised representative of a recognised non-government organisation devoted to the cause of controlling smoking with respect to offences under sections 5, 6 and 9 and on a report in writing of a police officer not below the rank of sub-inspector, or an authorised representative of a recognised non-government organisation devoted to the cause of prohibition smoking with respect to the offences under sections 7, 8 and 10.

2 of 1974.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences committed under sections 5, 6, 7, 8, 9 and 10 of the Act shall be cognizable and bailable.

Offences to be cognizable and bailable.

2 of 1974.

15. All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973.

Summary trial of offences.

16. (1) The Government may, by notification in the Official Gazette, empower the authorised officer or a police officer not below the rank of sub-inspector to compound any offence committed under this Act on payment of a sum not less than rupees one thousand which may extend upto rupees five thousand by way of composition for the offence which such person is suspected to have committed.

Compounding of offences.

(2) On payment of such sum to such officer, the offender if in custody, shall be released and no further proceedings shall be initiated against such offender.

17. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECT AND REASONS

Smoking is not only a nuisance in the modern society, it has been discovered that it is the source of incurable diseases like cancer. It has also been proved beyond any doubt that the smoke emitted by a smoker is more harmful for the non smokers around.

Hence this Bill.

KARTAR SINGH DUGGAL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of detail only.

The delegation of legislative power is therefore of normal character.

